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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,845	02/27/2001	Christoph Herrmann	PHD 99,088	5206
24737	7590	05/02/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			AHN, SAM K	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

09/763,843

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 4/28/06 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☒ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on 4/24/06. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

James H. Hebertinsae, Examining Group 2611

(703) 30_____
FORM PTO-2051 (Rev. 3/2001)

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LAW OFFICES OF
FAY KAPLUN & MARCIN, LLP
INTELLECTUAL PROPERTY LAW

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NEW YORK, NEW YORK 10038
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FAX: (212) 208-6819
WWW.FKMIPLAW.COM

FACSIMILE COVER SHEET

FAX NO : 571-273-8300
TO : Commissioner for Patents
Mail Stop: Petition
FROM : Oleg F. Kaplun, Esq.
DATE : May 10, 2006
SUBJECT : U.S. Patent Appln. Serial No. 09/763,845
for *Wireless Network for Requesting a Contention Channel*
Phillips Ref.: D 099088

NUMBER OF PAGES INCLUDING COVER :

MESSAGE:

Please see attached.

Thank you.

IF ANY PAGES WERE NOT RECEIVED OR ARE ILLEGIBLE, PLEASE CALL (212) 619-6000 AS SOON AS POSSIBLE

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Attorney Docket : D 099088

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Hermann et al.

Serial No. : 09/763,845

Filing Date : February 27, 2001

For : Wireless Network for Requesting a Contention Channel

Group Art Unit : 2637

Examiner : Sam K. Ahn

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Fax (571) 273-8300

on the date shown below:

By:

Date: May 10, 2006

Oleg F. Kaplun (Reg. No. 45,559)

TRANSMITTAL

In response to the Notice of Abandonment mailed on May 1, 2006, transmitted herewith please find a Petition to Revive and an Amendment for filing in the above-identified application. Please charge the Credit Card of Fay Kaplun & Marcin, LLP in the amount of \$1,500.00. The Commissioner is hereby authorized to charge any additional fees to the Deposit Account of Fay Kaplun & Marcin, LLP No. 50-1492. A copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated: May 10, 2006

By:

Oleg F. Kaplun (Reg. No. 45,559)

Attorney Docket : D 099088

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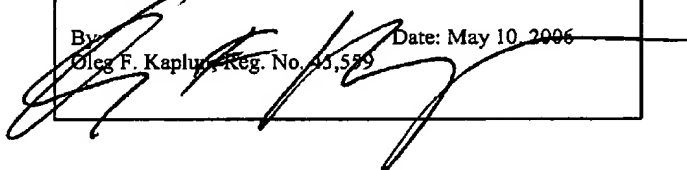
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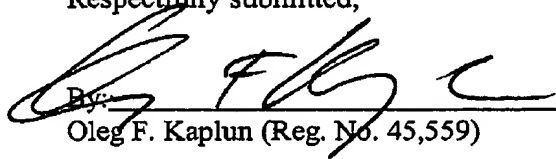
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